

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KEVIN RAZZOLI,

Plaintiff,

NOT FOR PUBLICATION

-against-

MEMORANDUM AND ORDER

FEDERAL BUREAU OF PRISONS and
U.S. PAROLE COMMISSION,

03-CV-5434 (CBA)

Defendants.

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AMON, United States District Judge:

The Court has received the Report and Recommendation (“Report”) of the Honorable Lois Bloom, United States Magistrate Judge, dated September 12, 2006, recommending that defendant’s motion for summary judgment be granted and that the case be dismissed. On May 11, 2006, plaintiff Kevin Razzoli requested that the Court change his address to an address in Beaumont, Texas. Thus, the Report was sent to Mr. Razzoli on September 12, 2006 at that address. Mr. Razzoli was given ten days from service of the Report to file written objections. No objections were filed. Instead, the Court received a letter from Mr. Razzoli indicating that he had not received a Report and Recommendation and listing an address in Scranton, Pennsylvania that was different from the address that he provided on May 11, 2006.

It is the obligation of the plaintiff to provide the Court with the proper address at which to serve him papers. If in fact Mr. Razzoli did not receive the Report, it was due to his failure to provide the correct address. The Court has reviewed the Report and adopts it as the opinion of the Court. Defendants’ motion for summary judgment is granted and the case is dismissed without prejudice. The Court will consider a motion for reconsideration, which is to be filed with the Court no later than October 11, 2006. If it is Mr. Razzoli’s contention that he did not receive a copy of the

Report and Recommendation, he should include an affidavit under oath in which he asserts as such. Mr. Razzoli should also explain to the Court why he provided an address on May 11, 2006 at which he could not receive mail and, if his address had changed, why he failed to inform the Court as such. Mr. Razzoli should also explain any objections that he has to the Report and Recommendation. The Clerk of the Court is directed to enter judgment and to close the case.

SO ORDERED.

Dated: Brooklyn, New York
September 26, 2006

Carol Bagley Amon
United States District Judge